

To: Minoli, Kevin[Minoli.Kevin@epa.gov]; Fugh, Justina[Fugh.Justina@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]
Cc: Schwab, Justin[schwab.justin@epa.gov]
From: Fotouhi, David
Sent: Tue 5/9/2017 5:00:30 PM
Subject: RE: Recusal
BNA: Pruitt Has Free Hand on EPA Rules Despite Sitting Out Lawsuits, 5/9/17

Ex. 5 - Deliberative Process

One area where Pruitt's recusal is unclear is in challenges to the Clean Water Rule, which delineates which rivers and streams are subject to Clean Water Act protections.

While Pruitt vowed not to participate in lawsuits challenging the rule in two federal appellate courts, he may still participate in questions currently before the U.S. Supreme Court. Pruitt said Oklahoma was not a party to that challenge, but did file a friend of the court brief on which court is the proper venue to hear lawsuits over the jurisdiction rule.

Pruitt said he would seek a ruling from EPA ethics officials before participating in the Supreme Court proceedings.

"I couldn't tell whether he was saying whether he was still bound by the impartiality agreement or not," Clark said. "I don't think I could tell because he didn't tell us."

Ex. 5 - Deliberative Process

Best,

David

David Fotouhi

Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

fotouhi.david@epa.gov

-----Original Message-----

From: Fotouhi, David

Sent: Monday, May 8, 2017 9:21 PM

To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>;
Greenwalt, Sarah <greenwalt.sarah@epa.gov>

Cc: Schwab, Justin <schwab.justin@epa.gov>

Subject: RE: Recusal

Understood; thanks, Kevin.

Best,

David

David Fotouhi

Deputy General Counsel

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U.S. Environmental Protection Agency

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-----Original Message-----

From: Minoli, Kevin

Sent: Monday, May 8, 2017 3:35 PM

To: Fotouhi, David <fotouhi.david@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>;
Greenwalt, Sarah <greenwalt.sarah@epa.gov>

Cc: Schwab, Justin <schwab.justin@epa.gov>

Subject: RE: Recusal

Hi David- This came in on Saturday and Justina is out today. Today I have been dealing with other ethics fire drills in her absence. We will respond tomorrow. Thanks, Kevin

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

-----Original Message-----

From: Fotouhi, David

Sent: Monday, May 08, 2017 3:16 PM

To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>

Cc: Schwab, Justin <schwab.justin@epa.gov>

Subject: Re: Recusal

Kevin, Justina,

Ex. 5 - Deliberative Process

Sent from my iPhone

> On May 6, 2017, at 1:35 PM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:

>

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Ex. 5 - Deliberative Process

>

Ex. 5 - Deliberative Process

>

> <image1.PNG>

>

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> Sent from my iPhone